

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION**

LETASHA MYATT, on behalf of herself)
and others similarly situated,)

PLAINTIFF)

VS.)

Case Number: 1:10-cv-064

ALLEN COUNTY SHERIFF KEN FRIES,)
(in his official capacity),)

DEFENDANT)

PARTIES' JOINT PROPOSED TRIAL PLAN

Letasha Myatt, by her counsel, Christopher C. Myers and Ilene M. Smith, and Defendant, Kenneth C. Fries, by his counsel, John O. Feighner and J. Spencer Feighner, pursuant to the Court's Order of May 22, 2014, hereby provide the Court with a Joint Proposed Trial Plan:

1. The parties agree that this class action litigation shall be tried to a jury solely on the issue of the "loss of liberty" suffered by the class representative, as well as representative class members expected to testify at trial. Any verdict may then be extrapolated to the remaining class members. As previously discussed in prior pleadings, the remaining special damage claims will be decertified and handled separately at a later stage.

2. While the parties agree that the sole issue for trial constitutes a determination of "loss of liberty" damages suffered by the representative class members, the parties disagree as to what evidence may be admitted to demonstrate such damages and/or mitigating circumstances.

The parties will address these issues in subsequent motions in limine and other related pretrial motions on a briefing schedule to be determined by the Court.

3. The parties propose that each party be permitted to select an equal number of persons, 20 representative class members, to testify at trial. As previously discussed, the parties have agreed upon the selection of witnesses pursuant to the *Dellums* non-random sampling of class members utilized by the court in *Barnes v. Dist. of Columbia*, 278 F.R.D. 14 (D.D.C. 2011). The parties will select class representatives with varying durations of overdetention (i.e., those individuals overdetained less than 12 hours and more than 36 hours) and both genders. The representative class members will be identified and disclosed by the parties to the Court at least 60 days prior to trial.

4. The Defendant proposes that each class representative be limited to 1 hour of testimony for direct and cross-examination, unless the Court grants more time for a particular witness for good cause. The Plaintiff proposes that each class representative be permitted to testify without a time limitation.

5. The parties propose that the court reserve 10 calendar days for trial. The Plaintiff reserves two days for rebuttal testimony. The parties anticipate that this case should be ready for trial by January, 2015 or any time thereafter available on the Court's calendar and the availability of counsel for the parties.

6. The parties propose that this Court establish an appropriate briefing schedule for all pretrial motions and related filings and set a pretrial conference at least 30 days prior to the commencement of trial.

**CHRISTOPHER C. MYERS &
ASSOCIATES**

/s/Christopher C. Myers

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